

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2013-106318-001 DT

11/12/2013

JUDGE PAMELA D. SVOBODA

CLERK OF THE COURT  
D. Courtemanche  
Deputy

STATE OF ARIZONA

ELIZABETH COTTOR

v.

IAN ALEXANDER MACDONALD (001)

ADAM FELDMAN

MINUTE ENTRY

The Defendant is charged with Second Degree Murder, a class 1 dangerous felony. The Defendant served as a Marine and has listed good character as a defense. As part of his defense, he listed several military personnel as character witnesses. The State seeks disclosure of the Defendant's military personnel file along with the military personnel file of each character witness. The Court has reviewed the State's Supplemental Motion to Compel Discovery or Alternatively, Preclude Admission. The Defense did not file a Response. The parties briefly argued the issue at the complex case management conference on November 7, 2013. The State seeks disclosure of the Defendant's and witnesses' military personnel files pursuant to Rule 15.2(g), Ariz. R. Crim. P. That rule provides:

**g. Disclosure by Order of the Court.** Upon motion of the prosecutor showing that the prosecutor has substantial need in the preparation of his or her case for material or information not otherwise covered by Rule 15.2, that the prosecutor is unable without undue hardship to obtain the substantial equivalent by other means, and that disclosure thereof will not violate the defendant's constitutional rights, the court in its discretion may order any person to make such material or information available to the prosecutor.

The Court finds the State has failed to show a substantial need for the military personnel file of the Defendant and each character witness. The State has shown substantial need for any disciplinary records and any criminal records for crimes occurring on base or within the

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military's jurisdiction for the purposes of possible impeachment and that disclosure will not violate the Defendant's constitutional rights.

For the foregoing reasons,

IT IS ORDERED the Defense will provide copies of any disciplinary records, and any criminal records for offenses occurring on base or within the military's jurisdiction, for the Defendant and all military personnel the Defendant intends to call as character witnesses at trial.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.